



**KYLE KUTSCHER**  
**GUADALUPE COUNTY JUDGE**

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December 14, 2017

**Via Email - Brian.Sierant@tceq.texas.gov**

Mr. Brian Sierant  
TCEQ Water Quality Division  
P.O. Box 13087, MC-150  
Austin, Texas 78711-3087

Re: Comments Concerning Biosolids Rule (*30 Tex. Admin. Code, Ch. 312*)

Dear Mr. Sierant:

I appreciate and thank you for the opportunity to participate in the comments on the rulemaking process regarding the Biosolids Rule (*30 Tex. Admin. Code, Ch. 312*). My support is with TCEQ staff and their efforts to modify and clarify the rules where appropriate, provided those changes maintain the balance between the industry interests, landowner and natural resource protections.

Buffer Zones **should be required and remain in effect** at all times entirely within the facility property. The current rule could seriously impact adjacent property and land use possibilities. The Buffer Zone rule should be changed to require that the buffer be maintained at all times by requiring that the buffer zone be established within the boundaries of the facility property. **Keeping the current rule creates a serious negative impact on the adjacent property owner's ability to use their property as they wish.** This is not a situation we wish to have in our county and we have concerns about how the current rule could impact property values.

The health and safety of the residents in Guadalupe County is of the utmost importance and the buffer zone that relates to surface water is critical and vital to all. The 33 foot vegetative buffer zone is not adequate to protect those surface waters. Too often the sludge or biosolids are transported from the area of application prior to incorporation and end up flowing into and impacting the adjacent surface water. A 100-foot buffer is necessary to adequately account for the varying circumstances and situations where surface waters could become contaminated.

I greatly appreciate you allowing us the opportunity to provide input and if you have any questions, please feel free to contact me directly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kyle Kutscher", with a long horizontal flourish extending to the right.

Kyle Kutscher  
Guadalupe County Judge